IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL NO.10 OF 2005

The Commissioner of Central Excise ..Appellant.
V/s.
M/s.Vishnu Dying & Printing Works & Anr...Respondents.

Mr.A.M.Sethna for appellant.

Mr.S.P.Mathew with Nitin Dhumal for respondents.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 30TH NOVEMBER, 2005.

P.C. :-

Heard Mr.Sethna in support of the appeal. Mr.Mathew appears for the respondents. The order of the Tribunal suffers from many vices in the sense that though the Tribunal has held that the duty and penalty has not been quantified by the appellate authority, the Tribunal has not remanded the matter back to that authority to do the needful. The Tribunal has also held that the order passed is without application of merit and cannot be upheld. In the circumstances, we modify the order passed by the Tribunal and direct the Commissioner of Appeals to decide the appeal on its merits.

The present appeal stands disposed of with this order.

Appeal before the Commissioner of Appeals will accordingly stand revived and he will decide the same on its own merits.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)